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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,448	10/16/2003	Michael T. Lundy	2229	8777

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/687,448	Applicant(s) LUNDY, MICHAEL T.	
	Examiner Kiet Doan	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-35 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

Regarding claims 2, 10, 21 and 28, the phrase "approximately" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 7, 9, 16, 26-27 and 34, the phrase "about" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1: Claims 1-4, 8, 11-13, 17-19, 21-23, 29-31 and 35** are rejected under 35 U.S.C. 102(e) as being anticipated by SanGiovanni (Patent No. 6,850,784).

Consider **claim 1**, SanGiovanni teaches a portable phone comprising:  
a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a keypad positioned on the bottom portion of the housing; a display screen positioned in a first position generally above the keypad on

the top portion of the housing (Fig.1, Illustrate keypad as No.110 on the bottom portion and display No.108 above keypad); and a navigational key positioned on the housing between the display screen and the keypad (Fig.1, Illustrate input device No.116 which read on navigational key) ; wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key (Fig.4A and Fig.4B, Illustrate display screen is rotatable wherein positioned generally to the side of the keypad and navigational key).

Consider **claims 2 and 21**, SanGiovanni teaches the phone of claim 1, wherein the display screen rotates approximately 90 degrees from the first position to the second position (Fig.4B, Illustrate display screen rotates approximately 90 degrees).

Consider **claim 3**, SanGiovanni teaches the phone of claim 1, wherein the keypad is extendable from the navigational key when the display screen is in the second position (Fig.1, Illustrate keypad No.104 as extend from the navigational key).

Consider **claims 4 and 23**, SanGiovanni teaches the phone of claim 1, wherein the display screen in the second position is positioned generally to the right of the keypad and the navigational key (Fig.5, Illustrate No.102 is display screen in the second position as to the right of the keypad).

Consider **claims 8, 11, 17, 30-31** SanGiovanni teaches the phone of claim 1, further including means for extending the keypad from the navigational key when the display screen is in the second position (Fig.1, Illustrate keypad No.104 as extend from the navigational key).

Consider **claims 12-13 and 18-19, 22, 29 and 35** SanGiovanni teaches the phone of claim 11, wherein the navigational key is also extendable from the from the display screen when the display screen is in the second position (Fig.1, Illustrate navigational key No.116 wherein also extended).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 5, 7, 9, 14, 16, 24, 26, 32 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Zatloukal et al. (Pub. No. 2003/0073462).

Consider **claims 5, 14, 24, 32** SanGiovanni teaches the limitation of claims as discuss above **but fail to teach** the phone of claim 3, wherein the keypad is extendable

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from the navigational key to provide a geometry having improved gaming characteristics.

In an analogous art, Zatloukal teaches "Adding control key to mobile device via smart interchangeable cover". Further, Zatloukal teaches the phone of claim 3, wherein the keypad is extendable from the navigational key to provide a geometry having improved gaming characteristics (Page 3, Paragraphs [0050-0051], Fig.8, Illustrate the phone which contain gaming characteristics, navigational key as No.832).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Zatloukal system, such that portable phone with keypad is extendable from the navigational key to provide a geometry having improved gaming characteristics, to provide means for the users flexibility controlling/navigation when using portable phone to playing game.

Consider **claims 7, 16, 26, 34** Zatloukal teaches the phone of claim 1, wherein the display screen pivots about the housing so that when the display screen is in the second position, the display screen is generally centered between the navigational key and the keypad (Fig.8, Illustrate display screen is generally centered between the navigational key and the keypad).

Consider **claim 9**, SanGiovanni teaches a portable phone comprising:  
a housing having a top portion and a bottom portion; a keypad positioned on the bottom portion of the housing; a display screen positioned in a first position generally above the

keypad on the top portion of the housing (Fig.1, Illustrate top portion as No.102 with display No.108 above keypad and keypad on the bottom position as No. 104); and a navigational key positioned on the housing between the display screen and the keypad (Fig.1, Illustrate input device No.116 which read on navigational key); wherein the display screen and navigational key are both rotatable about a pivot from a first position wherein the navigational key is located between the display screen (Fig.4A and Fig.4B, Illustrate display screen No.108 and navigational key No.106 are both rotatable).

Zatloukal teaches and the keypad to a second position wherein the display screen is located between the navigational key and the keypad (Fig.8, Illustrate display screen is located between the navigational key and the keypad).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Zatloukal system, such that the portable phone having a top portion and a bottom portion, a display screen positioned in a first position generally above the keypad on the top portion of the housing and a navigational key positioned on the housing between the display screen and the keypad and the keypad to a second position wherein the display screen is located between the navigational key and the keypad, to provide means for the users flexibility controlling/navigation when using portable phone to playing game.

**3. Claims 6, 10 15, 25, 28 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Zatloukal et al. (Pub. No. 2003/0073462) and further view of Ozaki (Pub. No. 2002/0061770).

Consider **claims 6, 15, 25, 33** SanGiovanni and Zatloukal teach the limitation of claims as discuss above **but fail to teach** the phone of claim 3, wherein the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad.

In an analogous art, Ozaki teaches "Opening/closing type portable information terminal". Further, Ozaki teaches the phone of claim 3, wherein the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad (Fig.4, Illustrate slideway/sliding position).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni, Zatloukal and Ozaki system, such that the housing includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate the extension of the keypad, to provide means for fast and easy when open the portable phone.

Consider **claims 10 and 28**, Ozaki teaches the phone of claim 9, wherein the navigational key and the display rotate approximately 180 degrees from the first position to the second position (Fig.5, Illustrate rotate approximately 180 degrees).



4. **Claims 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576).

Consider **claim 20**, SanGiovanni teaches a portable phone comprising: a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a navigational key positioned on the bottom portion of the housing a display screen positioned in a first position generally above the navigational key on the top portion of the housing (Fig.1, Illustrate No.116 as navigational key positioned on the bottom portion of the housing and display No.108 as above the navigational key). SanGiovanni teaches the limitation of claim as discuss **but fail to teach** and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key.

In an analogous art, Aagaard teaches "Multiple axis hinge assembly". Further, Aagaard teaches and a keypad positioned on the housing between the display screen and the navigational key (Fig.3, Illustrate keypad No.106 is between display No.104 and the navigational key as circle with error point); wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key (Fig.1 and Fig.2, Illustrate display screen is rotatable).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni and Aagaard, such

that a portable phone having a top portion and a bottom portion, a navigational key positioned on the bottom portion, display screen on the top portion and a keypad positioned on the housing between the display screen and the navigational key, to provide means for the users flexibility/easy controlling/navigation when using portable phone to playing game.

5. **Claims 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over SanGiovanni (Patent No. 6,850,784) in view of Aagaard et al. (Patent No. 6,839,576) and further view of Zatloukal et al. (Pub. No. 2003/0073462)

Consider **claim 27**, SanGiovanni teaches a portable phone comprising: a housing having a top portion and a bottom portion (Fig.1, Illustrate No.102 as top portion and No.104 as bottom portion); a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing (Fig.1, illustrate No.116 as navigational key positioned on the bottom portion of the housing and display No.108 as above the navigational key).;

Aagaard teaches and a keypad positioned on the housing between the display screen and the navigational key (Fig.3, Illustrate keypad No.106 is between display No.104 and the navigational key as circle with error point); wherein the display screen and keypad are both rotatable about a pivot from a first position wherein the keypad is located between the display screen (Fig.1 and Fig.2, Illustrate display screen and keypad are rotatable).

Zatloukal teaches and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad (Fig.8, Illustrate display screen is located between the navigational key and the keypad).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify SanGiovanni, Aagaard and Zatloukal, such that a portable phone having a top portion and a bottom portion, a navigational key positioned on the bottom portion, keypad positioned on the housing between the display screen and the navigational key, display screen and keypad are both rotatable and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad, to provide means for the users flexibility/easy controlling/navigation when using portable phone to playing game.

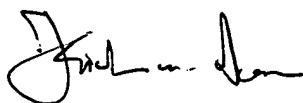
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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